

REMARKS

This amendment is responsive to the office action dated March 30, 2006.

Claims 1-16 were pending in the application. Claims 12-16 were withdrawn from consideration. Claims 1-11 were rejected. No claims were allowed by the Examiner.

By way of this amendment, the Applicant has amended the priority claim in the specification to properly reflect the current status of the priority applications.

Claims 12-16 have been canceled as being directed toward a non-elected invention. Claims 1 and 7 have been amended. Claims 2-6 and 8-11 remain unchanged.

Accordingly, Claims 1-11 are currently pending.

I. **DOUBLE PATENTING:**

Claims 1-11 were provisionally rejected under the doctrine of nonstatutory double patenting over co-pending Application No. 10,360,781 in view of US Patent No. 6,806,644 (Ueno). Since the mailing of this Office Action, the cited '781 application has matured into US Patent No. 7,023,763 (Galli).

The Applicant has attached a completed terminal disclaimer and the required fee thereby removing cited application, US Patent No. 7,023,763, from consideration as prior art.

Accordingly, withdrawal of this basis of rejection is respectfully requested.

II. **REJECTION OF CLAIMS UNDER 35 USC 103**

Claims 1-5 and 7-10 were rejected under 35 USC 103(a) as being unpatentable over US Patent 5,548,565 (Aoyama) in view of US Patent No. 6,806,644 (Ueno). The Examiner has stated that Aoyama teaches an illuminated watch assembly comprising a housing with a side wall, an interior compartment, a channel extending through the sidewall, a first means for illumination directing light to the exterior of the housing, a watch mechanism, a second means for illumination directing light onto the face of the watch, at least one power source and a means for selectively and independently

energizing the first and second means for illumination. The Examiner further stated that while Aoyama does not teach a crystal or said second means of illumination being near ultraviolet, Ueno teaches a watch having a crystal and an LED for near ultraviolet illumination and that the present invention would have been obvious in view of a combination of these references.

Claims 1 and 7 of the present application have been amended to more clearly describe the structure of the illuminated watch device and the novel features of the present invention. Specifically, the claims have been amended to clearly define that the channel that leads from the interior compartment to the exterior of the watch has a first end residing on the interior of the watch and a second end leading outwardly to the exterior of the watch. The first means for visible illumination is positioned adjacent the first end of the channel and in a manner that allows the light output to be directed along the channel to the exterior of the watch. The second means for illumination is positioned adjacent the rear of the first means for illumination and is also adjacent the first end of the channel whereby light from the second means for illumination is directed inwardly across the face of the watch to illuminate the surface thereof.

The above noted amendments to the claims were necessary to clarify the relative positions between the first and second means for illumination. It is of note that the present invention is directed to an assembly that facilitates the manufacture of a watch that includes internal illumination features and a visible light flashlight without necessitating that the watch itself become bulky and unattractive. As is clearly evidenced in the Ayoama reference, in the prior art the addition of LED flashlights typically required the addition of a great deal of structure to the side of the watch case in order to accommodate the LED and the required driver circuitry. It is the problem that the present invention is attempting to overcome.

By providing an arrangement wherein the LED for internal illumination and the LED for external illumination are positioned adjacent one another in a back-to-back relationship, the present invention allows for this assembly to be slid up into the edge of the watch case without considerable structural change or reconfiguration. A small

increase in the case dimension with a small channel to allow the light to exit is provided. The two LEDs can be placed onto a single circuit board and positioned within the side of the casing in a non-obtrusive fashion. All of the necessary driver circuitry and even a secondary power source can then be positioned in the bottom of the watchcase adjacent the primary watch component. In such a manner, the assembly of the present invention does not require complete retooling of existing watch assemblies including the various internal components as the case of the watch simply must be modified to allow the insertion of the LED component and the driver circuitry.

In contrast, the Aoyama reference required a large side compartment for the flashlight component and then provides for the installation of face illuminating LEDs beneath and through the watch face. The two light sources are positioned relatively far apart within the housing of the Aoyama device. There is no disclosure relative to the positioning of the two light sources adjacent one another in a back-to-back relationship. Further, the cited Ueno reference only provides for the use of near ultraviolet illumination in the context of a watch. Should the Ueno teaching be used to modify the Aoyama reference, the resulting structure would still include a visible LED along the side of the watch and a near ultraviolet LED positioned beneath of through the watch face. These LEDs would still have a relatively large spacing and require that the entire structure of the watch be retooled.

Accordingly, even if the cited Ueno and Aoyama references were combined by one skilled in the art, the result would not be the illuminated watch assembly provided in the claims of the present invention as amended. For this reason, the Applicant asserts that Claims 1 and 7 as amended are directed to subject matter that is not disclosed in either of the Ueno or Aoyama references whether taken alone or in combination. In other words, the Applicant believes that the amendments to Claims 1 and 7 have rendered this basis for rejection unsupportable and Claims 1 and 7 are now in condition for allowance.

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Since Claims 2-5 and 8-10 are dependent on now allowable Claims 1 and 7, the Applicant asserts that these claims are also in condition for allowance. Therefore, reconsideration of claims 1-5 and 7-10 is respectfully solicited.

III. CONCLUSION

Accordingly, claims 1-11 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,

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